

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN ALLEN BROWN,

Petitioner,

v.

RON BROOMFIELD, Warden of California
State Prison at San Quentin,

Respondent.¹

Case No. 1:19-cv-01796-ADA

DEATH PENALTY CASE

ORDER APPOINTING REPLACEMENT
COUNSEL

On December 23, 2019, Petitioner, a state prisoner convicted of first degree murder, sodomy, and forcible lewd acts on a minor under 14 and sentenced to death (Tulare County Superior Court Case No. 32842), began this federal habeas proceeding pursuant to 28 U.S.C. § 2254.

On January 30, 2020, the Court appointed attorneys Sara Cohbra and John Mills to represent Petitioner as counsel in this proceeding pursuant to 18 U.S.C. § 3599.

On June 15, 2023, Ms. Cohbra moved to withdraw from representation of Petitioner in the case and to appoint Kristin Swain, an associate in the law office of counsel John Mills

¹ Ron Broomfield, appointed as warden of San Quentin State Prison in September 2021, is substituted as Respondent in place of his predecessor wardens. Fed. R. Civ. P. 25(d).

1 currently working on the case in that capacity, as replacement counsel.

2 On June 30, 2023, the Court granted Ms. Cohbra's motion to withdraw and referred the
3 request to appoint Ms. Swain as replacement counsel to the District's Selection Board.

4 On July 5, 2023, the Selection Board recommended that the Court appoint Kristin
5 Swain to represent Petitioner in this proceeding along with Mr. Mills.²

6 The Court will adopt the recommendation of the Selection Board. Relatedly, the Court
7 will consider a request by Ms. Swain for an hourly rate adjustment.

8 Accordingly,

9 1. Kristin Swain is appointed as counsel to represent Petitioner for all purposes in
10 this proceeding pursuant to 18 U.S.C. § 3599. *See* Local Rule 191(c). Ms. Swain is directed to
11 comply with the e-filing registration requirements of Local Rule 135.

12 2. The Clerk of the Court is directed to file under seal the Selection Board's July 5,
13 2023, letter to the Court.

14 3. The Clerk of the Court is directed to serve copies of this order on Kristin Swain,
15 Phillips Black, Inc., Post Office Box 271723, Flower Mound, Texas, 75027, (ph.) 888-532-
16 0897, (Email) k.swain@phillipsblack.org; John Mills, Esq.; Ron Broomfield, Warden of San
17 Quentin State Prison, San Quentin, CA 94964; Charity Whitney, Deputy Attorney General; and
18 Connie Garcia, CJA Panel Administrator, Federal Defender's Office, 2300 Tulare Street, Suite
19 330, Fresno, CA 93721, (Email) Connie.Garcia@fd.org.

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22 IT IS SO ORDERED.

23 Dated: July 13, 2023


UNITED STATES DISTRICT JUDGE

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27 ² The Selection Board's proviso that Ms. Swain, who is not licensed in California, be paired with a California
28 licensed attorney, is satisfied here. Mr. Mills is licensed in California.